

0020



State of Utah

Department of
Environmental Quality

Richard W. Sprott
Acting Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Joe Piccolo, *Chair*
Paula Doughty, *Vice-Chair*
David F. Echols
Neil K. Kochenour
Darrell H. Mensel
LeLand J. Myers
Jay Ivan Olsen
Gregory L. Rowley
Steven P. Simpson
Daniel C. Snarr
Richard W. Sprott
Walter L. Baker,
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

June 21, 2007
MAY 21 2007

June 20, 2007

CERTIFIED MAIL
(Return Receipt Requested)

Mr. Bruce Hill, President & CEO
UtahAmerican Energy, Inc.
West Ridge Resources, Inc.
6750 North Airport Road
P.O. Box 902
Price, UT 84501

Dear Mr. Hill:

Subject: Notice of Violation and Order, Docket No. I07-14, UPDES
Permit No. UT0025640-West Ridge Mine.

Enclosed is the Notice of Violation and Order (Order), Docket Number I07-14, issued to you by the Utah Water Quality Board and Division of Water Quality (DWQ). This Order has been issued in response to continued violations of the total iron effluent requirements of your UPDES Permit for the West Ridge Mine facility.

A response is required within 30 calendar days of your receipt of the Order. After receiving your response DWQ will contact you to arrange a settlement meeting. Your cooperation with resolving this matter is appreciated.

If you have any questions or wish to discuss anything related to the Order, please contact Jeff Studenka of this office at (801) 538-6779, or by e-mail at jstudenka@utah.gov.

Sincerely,

Utah Water Quality Board

Walter L. Baker, P.E.
Executive Secretary

WLB: JAS: mc

Enclosure

Incoming
6/20/07/1041

cc (w/ encl.): Richard Sprott, Department of Environmental Quality
Fred Nelson, Assistant Attorney General
Laura Lockhart, Office of Attorney General
Qian Zhang, P.E., EPA Region VIII
Claron Bjork, SE Utah District Health Department
Dave Ariotti, DEQ District Engineer
Pam Grubaugh-Littig, Division of Oil Gas & Mines
Dave Shaver, UEI West Ridge Mine

F:\wp\Genwal-Westridge Mines\West Ridge Mine\WestRidgeNOV2007cov.ltr.doc

IN THE MATTER OF WEST RIDGE RESOURCES, INC.	NOTICE OF VIOLATION AND ORDER DOCKET NUMBER I07-14
--	---

A. STATUTORY AUTHORITY

This **NOTICE OF VIOLATION and COMPLIANCE ORDER (NOV/CO)** is issued by the UTAH WATER QUALITY BOARD (the **BOARD**) under the Utah Water Quality Act, as amended, Utah Code Annot. §§ 19-5-101 through 19-5-123 (the **ACT**), including Utah Code Annot. §§ sections 19-5-104, 19-5-106, 19-5-111 and 19-5-115. This **NOV/CO** is also issued in accordance with the Utah Administrative Procedures Act, Utah Code Annot. §§ 63-46b-0.5 through 63-46b-23. The **BOARD** has delegated to the Executive Secretary of the Board (**Executive Secretary**) authority to issue such **NOTICES AND ORDERS** in accordance with section 19-5-106(8) of the Utah Code.

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. *Utah Code Annotated (UCA) 19-5-107(1)(a)* states that it is unlawful to discharge a pollutant into waters of the state.

2. *Utah Administrative Code (UAC) R317-8-4.1(1)(a)* requires compliance with all conditions of said permit and states that any permit noncompliance is a violation of the Act and is therefore grounds for enforcement action.

3. Part I.D. of the **WEST RIDGE RESOURCES** Utah Pollutant Discharge Elimination System (UPDES) permit # UT0025640 requires monthly monitoring of effluent flows, total suspended solids (TSS), total iron, oil & grease, pH, and total dissolved solids (TDS).

4. Part I.D. of the **WEST RIDGE RESOURCES** UPDES permit requires the effluent to meet the following standards:

- a. Effluent flow daily maximum shall not exceed 1 million gallons per day.
- b. TSS monthly average shall not exceed 25 mg/L.
- c. TSS weekly average shall not exceed 35 mg/L.
- d. TSS daily maximum shall not exceed 70 mg/L.
- e. Total iron daily maximum shall not exceed 1.3 mg/L.
- f. Oil and grease daily maximum shall not exceed 10 mg/L.
- g. The pH daily minimum shall not be less than 6.5 standard units.
- h. The pH daily maximum shall not be more than 9.0 standard units.

- i. TDS daily maximum shall not exceed 2000 mg/L.

C. FINDINGS OF FACT

1. **WEST RIDGE RESOURCES, INC.** (hereinafter **WEST RIDGE**) owns and operates a bituminous coal underground mining facility located east of Wellington City, in Carbon County, Utah.
2. **WEST RIDGE** has been issued UPDES Permit # UT0025640, which allows and controls discharge from the industrial facility.
3. Effluent samples not meeting permit requirements, as reported by **WEST RIDGE** on Discharge Monitoring Reports (DMRs) for outfall 002, are summarized in the following table:

Month/Year	Total Iron (mg/L)
01/2007	1.659
02/2007	1.6
03/2007	2
04/2007	2.43
05/2007	2.4

D. VIOLATIONS

Based on the foregoing **FACTS** and **FINDINGS**, **WEST RIDGE** has violated the following:

1. *UCA § 19-5-107(1)(a)* for discharge of pollutants unlawful.
2. *UAC R317-8-4.1(1)(a)* for failure to comply with UPDES Permit # UT0025640.
3. Part I.D. of UPDES Permit # UT0025640 for failure to comply with effluent limits.

E. ORDER

Based on the foregoing **FINDINGS OF FACT** and **VIOLATIONS**, and pursuant to Utah Code Annot. § 19-5-107 and 19-5-111, **WEST RIDGE** is **HEREBY ORDERED** to:

1. Immediately initiate all actions necessary to achieve total compliance with all applicable provisions of the Utah Water Quality Act, the Water Quality rules in the Utah Administrative Code, and UPDES permit # UT0025640.
2. Describe in detail, and submit to the **Executive Secretary** for approval within thirty (30) days of issuance of this NOV, the actions taken and/or planned to be implemented (Action Plan), including dates, to attain and continue in full compliance with this **ORDER** and UPDES permit # UT0025640.

3. Implement the Action Plan once approved by the **Executive Secretary**.
4. Continue visually observing the effluent and stream channel immediately downstream of discharging outfalls for any potential impacts or damage to wildlife or aquatic life and report any findings to the appropriate agencies.

F. NOTICE

This **NOV/CO** is effective immediately. **WEST RIDGE** may contest this **NOV/CO** by submitting a Request for Agency Action in writing as specified in Utah Admin. Code § R317-9-3. Any such Request must be received by the Executive Secretary within 30 days of the **NOV/CO**'s issuance or the **NOV/CO** shall become final.


Compliance with the provisions of this **ORDER** is mandatory. The information requested will be considered in the evaluation of the extent of your compliance with the Water Quality Act and its underlying regulations and permit. Failure to respond fully and truthfully, or to adequately justify such failure to respond, may subject **WEST RIDGE** to further civil penalties or criminal fines under *UCA 19-5-115*.

All submittals made in response to this **ORDER** must be accompanied by the following certification, which is to be signed in accordance with *UAC R317-8-3.3(4)*: *"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

UCA 19-5-115 provides that violation of the **ACT** or a related order may be subject to a civil penalty of up to \$10,000 per day of violation. Under certain circumstances of willfulness or gross negligence, violators may be fined up to \$25,000 per day of violation.

Signed this 20th day of June, 2007.

Utah Water Quality Board



Walter L. Baker, P. E.
Executive Secretary